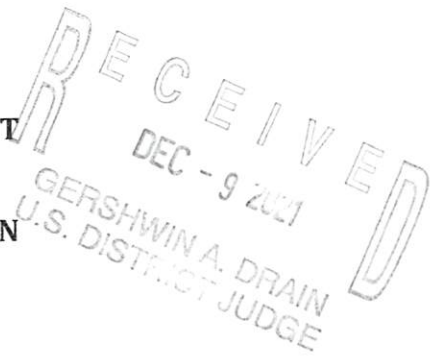


UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN SECTOR



Larry Meitzner  
*Plaintiff*  
v.

Judge  
Hon. Gershwin A. Drain

The City of Sterling Heights, MI  
&  
Mark Vanderpool  
*Defendants*

Magistrate Judge  
Elizabeth A. Stafford

Case No. 2:21-cv-12169

**OBJECTION TO DEFENDANTS' MOTION FOR WAIVER**

7015 3430 0000 0208 6490

What has been presented to this Court is an obvious attempt by the Defendants thru their Counsel to overwhelm and mislead the Plaintiff with chicanery and legal Hocus-Pocus. Sterling Heights has been described in a recent newspaper article as the 4<sup>th</sup> largest city in Michigan. The defendants are trying to parlay this fact to overpower the pro se Plaintiff.

The Defendants' motion must fail for the following reasons:

- 1) The Motion is a Plaintiff's action. *See:* Attachment. AO 399 (01 09). **AO 398 (01 09)**
- 2) The Motion is filed 28 days past the DUE DATES.
- 3) It would give the Defendants over 100 days to reply.

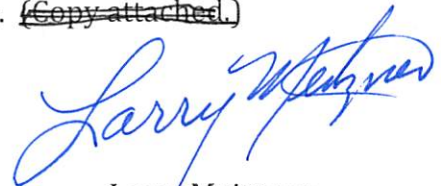
- 4) The Defendants did not need time to shop around for representation, they had immediate access to the City Attorney.
- 5) The Defendants accepted service on Sept.29 / Oct. 1, 2021; There was **NO** response. By their inaction, they agreed to the 21-day response.
- 6) The action is not complicated. (Fed. R. Civ. P. 8(b)(2) – admit or deny.) The Plaintiff is either right or wrong. If wrong, explain why the ten (10) pages of citations are not appropriate.
- 7) The Defendants were apprised of the Court's shortcoming of not having signed and embossed the SUMMONS. They were advised to A) proceed as if it was. B) File an objection. (Re: Fed. R. Civ. Proc. 60(B)(4).)
- 8) The Plaintiff made numerous calls to Mr. Vanderpool's office, left messages with Megan and on voice mail; no response. On or about Mar. 6, 2021, the Plaintiff attempted to make contact with Mr. Vanderpool at the City Hall. He was escorted to a reception desk, the escort pointed out that the lights in the back section were on, and someone would be out to talk to him. As the Plaintiff waited out front, the lights in back went out. Minutes later, the escort came back, pointed out that the lights were out and that there was nobody in the back section. Meitzner returned to the

reception desk to leave paperwork for Mr. Vanderpool. He was told to leave it in front of an unattended window, where Meitzner believes it would have disappeared with no one admitting to know what happened to the unattended paperwork. Meitzner left it with receptionist and explained that it was for Mr. Vanderpool, and that it was being left in her charge.

- 9) A call to Mr. Taylor on Nov. 18, 2021 about the lawsuit seemed to take him by surprise, as if he had never heard about it. The Defendants dropped the ball, and now come hat-in-hand asking for a do-over.
- 10) A motion for Default Judgement has been made. (See: Rule 55(b)(1).)
- 11) According to the Court's pamphlet "The Notice of a Lawsuit and Request cannot be used if suing the United States (its agencies, corporations, or officers) or a state, **LOCAL** (emphasis added) or foreign government." ~~(Pamphlet enclosed)~~
- 12) Counsel offers no case law to support his argument.
- 13) If the Court feels that the Waiver is appropriate, Meitzner feels that it should be retroactive to the dates the Complaint was served on the Defendants; Sept 29 and Oct. 1, 2021, which would put the Defendants response already overdue.
- 14) Should the Court find a deficiency in the Plaintiff's pleadings, The U. S. Supreme Court has ruled that the pleadings of pro se plaintiffs "are held to less stringent standards"

than those of attorneys ( Citing *Haines v. Kerner* 404 U. S. 519 (1972) ) *Hughes v. Rowe* 449 U. S. 5 (1980), and that they be given an opportunity to correct the deficiency *Adickes v. S. H. Kress*.

- 15) As of this writing, the Court has not supplied a completed SUMMONS to the Plaintiff, contrary to the Nov. 17, 2021 from Richard Loury. ~~(Copy attached.)~~



Larry Meitzner  
44496 Sterritt  
Sterling Heights, MI  
48314  
(989) 351 - 8204

Date: Nov. 30, 2021

- 16) Counselor's filing (Case 2:21-cv-12169-GAD-EAS ECF No. 8, PageID 42 Filed 11/19/21 Page 1 of 1) should be considered **PERJURY**. Form AO 399 (01/09) (See: No. 1 above.) Plaintiff (Meitzner) **NEVER** sent to counsel for the Defendants the paperwork so described: "I have received your request to waive service of summons..."

- 17) Rule 12(a)(1)(A)(ii) states "if it has **timely** (emphasis added) waived service..."

See: No. 2, above.

**Telephone number**

AO 399 (01/09) Waiver of the Service of Summons

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*

)  
)  
) Civil Action No.  
)

## WAIVER OF THE SERVICE OF SUMMONS

To: \_\_\_\_\_  
*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from \_\_\_\_\_, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of the attorney or unrepresented party*

\_\_\_\_\_  
*Printed name of party waiving service of summons*

\_\_\_\_\_  
*Printed name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*E-mail address*

\_\_\_\_\_  
*Telephone number*

### Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



UNITED STATES FEDERAL DISTRICT COURT  
FOR THE  
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Larry Meitzner

*Plaintiff*

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&

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*Defendants*

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Case No. 2:21-cv-12169

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PROOF OF SERVICE

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The Plaintiff, Meitzner, does swear on penalty of perjury that on this date he mailed to counsel for the Defendants, a reply to the Defendants' MOTION for Waiver of SUMMONS, and sent to said Counsel by third party carrier – United States Postal Service – to Counsel's place of business: 12900 Hall Road Sterling Heights, MI 48313 Suite 350

7015 3430 0000 0208 6650

Larry Meitzner

44496 Sterritt

Sterling Heights, MI

48314

(989) 351 – 8204

Date: Nov 30, 2021